

### **REMARKS**

This Amendment and Response is in reply to the Office Action of March 21, 2008. A three (3) month Petition for Extension of Time is filed concurrently herewith. Therefore, the time period to reply extends up to and includes September 21, 2008 (extended to September 22, 2008 since September 21 falls on a Sunday). Applicants wish to thank the Examiner for her careful review and consideration of the present application, as well as the courtesy extended during the phone interview.

Applicants have amended claims 1, 4, and 14, and have canceled claims 3, 10, and 12 without prejudice or disclaimer. New claims 18 and 19 have been added. No new matter has been entered and such amendments are fully supported by the specifications, drawings and claims as originally filed. Claims 1, 2, 4-9, 11, 14, 18, and 19 remain pending in the present application.

In light of the foregoing amendments and the following remarks, Applicants respectfully request withdrawal of the rejections and advancement of this application to allowance.

#### **Examiner Interview**

Applicants' attorney below conducted a telephonic interview with the Examiner on August 21, 2008. A proposed claim set was provided to the Examiner, with the proposed claim 1 discussed in connection with the Tamlyn and Yamamoto references. No final agreement was reached.

#### **Rejections Under 35 U.S.C. § 102 (Tamlyn)**

At paragraph 3 of the subject Action, claims 1-3, 5, 10-12 and 14 are rejected under §102(b) as being anticipated by Tamlyn (U.S. Patent No. 6,018,924). Applicants respectfully traverse this rejection.

Claim 1 has been amended above to recite that the flange member is moveable from a substantially-domed-configuration to a substantially-flat-configuration.

In contrast, Tamlyn fails to disclose or suggest the recited feature. Rather, Tamlyn discloses a strip 10 constructed with a full height back plate 20. See Tamlyn, col. 3, ll. 62-63.

The strip 10 is approximately equal in length to the wall and is clamped in placed on the wall. *Id.* at col. 4, ll. 40-41. The back plate 20 can be installed simply by forcing the edge 22 behind the plank 14. *Id.* at col. 46-48. The back plate 20 installed behind the plank 14 disclosed in Tamlyn does not suggest the flange member that is moveable from a substantially domed configuration to a substantially flat configuration, as required in claim 1 of the present application.

Accordingly, reconsideration and allowance of claim 1 are respectfully requested for at least the above reasons.

Claims 2, 5, and 11 ultimately depend from claim 1 and so include all of the limitations thereof. Accordingly, such claims are also in condition for allowance. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

Claims 3, 10, and 12 have been canceled without prejudice or disclaimer above, and so the rejections to those claims are rendered moot.

Claim 14 has been amended above to recite that the flange member is moveable from a substantially domed configuration to a substantially flat configuration. Claim 14 is therefore allowable for at least similar reasons to those provided above with respect to claim 1. Reconsideration and allowance of claim 14 are respectfully requested.

In view of the foregoing, Applicants request reconsideration and withdrawal of the §102 rejections.

#### **Rejections Under 35 U.S.C. § 102 (Yamamoto)**

At paragraph 4 of the subject Action, claims 1-4 and 6-9 are rejected under §102(b) as being anticipated by Yamamoto (JP 06185129). Applicants respectfully traverse this rejection.

Claim 1 has been amended above to recite that the flange member is moveable from a substantially domed configuration to a substantially flat configuration. In contrast, Yamamoto fails to disclose or suggest the recited feature. Yamamoto discloses the foremost parts of the lips 21 containing a foaming agent, which is heated and foamed after the leg is fitted in the gap. *See* Yamamoto, Abstract. The lips 21 are expanded and contacted resiliently with the mating end faces 2 of the wall panels 1. *Id.* Sealing end faces 2 by heating and foaming the lips 21

disclosed in Yamamoto does not suggest the flange member which is moveable from a substantially domed configuration to a substantially flat configuration, as required in claim 1 of the present application.

Accordingly, reconsideration and allowance of claim 1 are respectfully requested for at least the above reasons.

Claims 2, 4, and 6-9 ultimately depend from claim 1 and so include all of the limitations thereof. Accordingly, such claims are also in condition for allowance. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

Claim 3 has been canceled without prejudice or disclaimer above, and so the rejection to that claim is rendered moot.

In view of the foregoing, Applicants request reconsideration and withdrawal of the §102 rejections.

#### **New Claims**

New claims 18-19 have been added. Applicants respectfully submit that new claims should be allowable.

#### **Conclusion**

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

U.S. Patent Application Serial No. 10/573,453

Reply to Office Action of March 21, 2008

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.  
Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Respectfully submitted,

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